

Application No. 09/762,302  
Attorney Docket No. P66333US0

**REMARKS**

Favorable reconsideration is respectfully requested in view of preceding amendments and the following comments.

The newly presented claims find clear and complete antecedent support in the original claims, in the disclosure on pages 6 to 9 of the specification and, more particularly in paragraphs 3 to 6 on page 7 of the specification.

The rejection of claims 1 to 9 and 11 to 20 "under 35 U.S.C. 112, second paragraph" is respectfully traversed. It appears that the Examiner may be confusing the difference between breadth and indefiniteness. Although nothing is found in the statute which precludes breadth other than prior art, Applicants have taken this opportunity to follow the Examiner's recommendation to avoid this issue entirely by limiting the product claims to different encapsulated administration forms.

The rejection of claims 1 to 9 and 11 to 20 "under 35 U.S.C. 102(b) as being anticipated by WO 97/02020" (Dietrich) is also respectfully traversed. Dietrich neither discloses nor suggests having two different administration forms of the active ingredient to which all of Applicants' claims are limited, in a single encapsulated form.

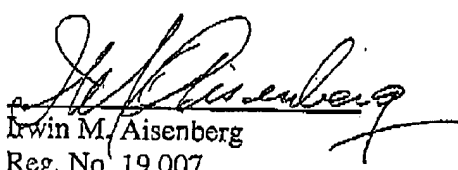
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Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and early action toward that end is respectfully solicited.

Respectfully submitted,

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IMA:jmp  
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Serial/Patent No. 09/762,302

Applicant, Patentee, Assignee DIETRICH et AL.

Filing Date/Patent Date FEBRUARY 3, 2001

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

|   |  |   |
|---|--|---|
| <input type="checkbox"/> pp. Specification &  | <input checked="" type="checkbox"/> Claims | <input checked="" type="checkbox"/> Response to Office Action |
| <input type="checkbox"/> Combined Declaration, Power of Attorney  |  | <input type="checkbox"/> Disclosure Statement-IDS             |
| <input type="checkbox"/> Preliminary Amendment  |  | <input type="checkbox"/> Copies of References                 |
| <input type="checkbox"/> Rule 53 (b) Application  |  | <input type="checkbox"/> Request for Refund                   |
| <input type="checkbox"/> Rule 53 (d)/RCE Application  |  | <input type="checkbox"/> Request for Corrected Filing Receipt |
| <input type="checkbox"/> Claim to Priority and Certified Copy   | <b>APR 29 2003</b>                         | <input type="checkbox"/> Petition for XOT                     |
| <input type="checkbox"/> Substitute <input type="checkbox"/> Subsequent Declaration   |  | <input type="checkbox"/> Notice of Appeal/Brief               |
| <input type="checkbox"/> Maintenance Fee  |  | <input type="checkbox"/> Sequence Listing                     |
| <input type="checkbox"/> Drawings <input type="checkbox"/> Sheets <input type="checkbox"/> Formal Paper <input type="checkbox"/> Informal |  | <input type="checkbox"/> Issue Fee Transmittal                |
| <input type="checkbox"/> Assignment/Change of Name  |  | <input type="checkbox"/> Other                                |
| <input type="checkbox"/> Small Entity Declaration   |  |   |
| <input type="checkbox"/> Check for \$   |  |   |

JH 11/01 DUE DATE April 29, 2003

Person filing IMA:jmp

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